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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUL 16 08 15 24 68

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Francisco GOMEZ-Morales
AKA: Jose Morales GOMES

Defendant.

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about, **July 14, 2008**, within the Southern District of California, defendant, **Jose GOMEZ-Morales (AKA: Jose Morales GOMES)**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **16th** DAY OF **July** 2008.



UNITED STATES MAGISTRATE JUDGE
CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On July 14, 2008, defendant **Jose Francisco GOMEZ-Morales** was arrested by the San Diego Sheriff's Office for 647(F) PC-DC Drunk. Defendant was then booked into county jail and an Immigration Hold (I-247) was placed pending his release.

On July 15, 2008, defendant was referred to the custody of Immigration and Customs Enforcement (ICE/DRO) for further action. An Immigration Enforcement Agent conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been previously deported or removed from the United States.

A thorough review of official immigration computer database record checks revealed that the defendant, **Jose Francisco GOMEZ-Morales**, had been ordered removed from the United States by an Immigration Judge on March 20, 2006, and removed to Mexico via the Calexico, California, Port of Entry on that same day. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System IDENT was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed the defendant's identity as **Jose Francisco GOMEZ-Morales**, a citizen and national of Mexico.